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NOTE VERBALE DATED 21 AUGUST 1991 FROM THE CHARGE D'AFFAIRES OF THE PERMANENT MISSION OF DENMARK TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Chargé d'affaires of the Permanent Mission of Denmark to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour, referring to paragraph 4 of Security Council resolution 700 (1991), to provide him with the following information.

Denmark's long-standing policies for export of arms and munitions are very restrictive. Therefore existing laws and regulations already met with the obligations and requirements of Security Council resolution 687 (1991) as regards the sale, supply or promotion of arms and related material to Iraq. In principle, arms exports from Denmark are prohibited and export licences are only granted after a close scrutiny by the authorities of each individual case. Parts of weapons as well as facilities for production of such parts are also covered by this legislation.

The Government of Denmark complies strictly with the arms embargoes agreed upon in the United Nations as adherence to these embargoes is one of the main criteria the Danish Government applies in its arms export policy. The legal basis for these criteria is the Arms Act (Law No. 529 of 11 December 1985, with subsequent amendments), which is administered by the Ministry of Justice, acting in close cooperation with the Ministry of Defence and the Ministry of Foreign Affairs.

Similarly, most other proscribed items and activities listed in the guidelines for prohibited categories of goods for export were also already covered by existing Danish legislation, in particular the regulation of 2 October 1987 with later amendments concerning export of certain goods, issued by the Ministry of Industry.

Furthermore, the European Community has enacted the following legislation preventing trade by community members with Iraq which have direct effect in Denmark:

- EEC regulation 2340/90 of 8 August 1990, extended and amended by regulation 3155/90;

- ECSC decision 90/414 of 8 August 1990.

Subsequently, the Danish legislation against trade and other commercial contacts with Iraq, based on the resolutions of the United Nations as well as the regulations and decisions adopted by the European Communities have been embodied in an order dated 7 June 1991. This order provides for sanctions in the form of imprisonment or fines in case of violation of the provisions. The responsibility for the enforcement of this legislation lies largely with the Ministry of Industry, which has the authority to issue export licences for all types of goods except arms and related material. It is the duty of the customs authorities to control at the time of export that the necessary licences for export of certain goods are at hand.